

**Notice of Allowability**

Application No.

09/586,387

Examiner

Pierre E. Elisca

Applicant(s)

RANKA ET AL.

Art Unit

3621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/3/2006.
2. ☒ The allowed claim(s) is/are 1-18, 20-33, 35-45 and 47-83.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Pierre E. Elisca*  
PRIMARY EXAMINER

### DETAILED ACTION

1. This is an Examiner's statement of reasons for allowance. The closest prior art Fan David U.S. Pat. No. 5,371,673 discloses an information processing analysis system for sorting and scoring text.

JP2004295379 A Miyazawa Yasunaga discloses a data providing system and a data providing program which reduce the load on a network and ensure accounting process when pay data is provided.

However, neither Fan nor Miyazawa singularly or in combination discloses the recited feature:

As per claims 1, 3, 28, 29, 30 " computing a current message state on the basis of said prior stage message state and said message performance results, and generating a current message allocation based on said current message state, wherein at least one of steps (a)-(d) is performed by at least one processing device".

As per claims 11, 18, 49, 61, 62, 64, 74, 76, 80 and 83 " wherein said step of generating a current message allocation further includes applying a message allocation constraint, and wherein said message is selected from the group of messages consisting of an advertisement, an email, and combinations thereof, wherein at least one of steps (a)-(d) is performed by at least one processing device".

As per claims 36, 43 " wherein the geometrical discounting function multiplies each performance result at each stage by a number of one-stage discount factorsB, where B

Art Unit: 3621

is less than or equal to 1 ( $B \leq 1$ ), corresponding to the number of stages, such that performance data that is  $n$  stages old at the time of execution are multiplied by  $B$  raised to the  $n$  power ( $B^n$ ), wherein at least one of steps (a)-(d) is performed by at least one processing device”.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/586,387  
Art Unit: 3621

Page 4



Pierre Eddy Elisca

**Primary Patent Examiner**

**May 04, 2006**